

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TIMOTHY DAILEADER,

Plaintiff,

- against -

CERTAIN UNDERWRITERS AT LLOYD'S LONDON – SYNDICATE 1861,
SUBSCRIBING TO POLICY NO.
ANV122398A; CRUM & FORSTER
SPECIALTY INSURANCE COMPANY;
CERTAIN UNDERWRITERS AT LLOYD'S
SUBSCRIBING TO POLICY NUMBER
DOH00746111; and STARSTONE
SPECIALTY INSURANCE COMPANY,

Defendants.

ORDER

22 Civ. 5408 (PGG)

PAUL G. GARDEPHE, U.S.D.J.:

The Amended Complaint alleges:

16. Oaktree purchased a multi-layered liability insurance program covering policy periods from July 9, 2018 to January 9, 2020. The insurance program provides liability coverage for, among other things, the directors and officers of Oaktree Medical Centre LLC and related entities and companies. The total limits of liability for the program are \$10 million.
17. Non-party primary insurance company, Landmark American Insurance Company (“Landmark”), sold the first layer of the insurance program consisting of the primary policy, Private Company Management Liability Policy, Policy Number LHP677660, for the period July 9, 2018 to January 9, 2020, with a limit of liability of \$1,000,000 (the “Primary Policy”)
18. The Excess Insurance Companies each sold a separate excess insurance policy that “follow form” to the Primary Policy (collectively, the “Excess Policies”).
19. Syndicate 1861 sold the first-layer excess policy, Excess Professional Liability Insurance Policy, Policy Number ANV122398A, for the policy period of August 22, 2018 to January 9, 2020, with a limit of liability of \$1,000,000 in excess of \$1,000,000 (the “Syndicate 1861 Policy”)
20. Crum & Forster sold the second-layer excess policy, Excess Liability Policy,

Policy Number EPP-100004, for the policy period of August 22, 2018 to January 9, 2020, with a limit of liability of \$1,000,000 in excess of \$2,000,000 (the “Crum & Forster Policy”)

21. Certain Underwriters sold the third-layer excess policy, Excess Insurance for Business policy, Policy Number EPP-100004, for the policy period of August 22, 2018 to January 9, 2020, with a limit of liability of \$2,000,000 in excess of \$3,000,000 (the “Certain Underwriters Excess Policy”).

(Am. Cmplt. (Dkt. No. 15) ¶¶ 16-21)

The Amended Complaint further alleges that, “[i]n July 2018, Daileader was appointed as an Independent Director and Manager of Oaktree Medical Centre PC and Labsource LLC, respectively, by Fidus Investment Corporation, as Collateral Agent to the lenders, following Oaktree’s January 2018 default on loans initially borrowed under an investment agreement in May 2014.” (Id. ¶ 34)

The parties will make submissions (or a joint submission) indicating the dates on which Oaktree or its agent entered into an agreement with each of the insurers regarding the above-mentioned policies. The submission or submissions will also indicate the date on which Oaktree or its agent entered into an agreement with Syndicate 1861 as to the endorsement to the Syndicate 1861 policy, which extended the coverage period to January 9, 2020. (Note that this endorsement lists an “issue date” of July 10, 2019). (See Dkt. No. 43-2 at 24-25) The submission or submissions will also indicate the exact date of Daileader’s “appoint[ment] as an Independent Director and Manager of Oaktree Medical Centre PC and Labsource LLC” (Am. Cmplt. (Dkt. No. 15) ¶ 34) as well as the precise title and role he was assigned at that time. The submission or submissions will cite documents to substantiate all the information this order requests and will attach all cited documents as exhibits. The submission or submissions are due by **February 15, 2023**. If the parties are making supplemental submissions regarding Daileader’s motion for a preliminary injunction (see Dkt. No. 73), they may include the

information requested in this order as part of those submissions.

Dated: New York, New York
February 10, 2023

SO ORDERED.



Paul G. Gardephe
United States District Judge